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10/017,190	12/12/2001	Richard Stewart	010202	6381
23696	7590	08/02/2007	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			AN, SHAWN S	
		ART UNIT		PAPER NUMBER
		2621		
		NOTIFICATION DATE	DELIVERY MODE	
		08/02/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/017,190	STEWART ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Shawn S. An	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 May 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-10,13,14,25,26,28,30-34 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-10,13,14,25,26,28,30-34 and 44-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Response to Amendment***

1. As per Applicants' instructions as filed on 11/28/06, claims 1, 9, 25, 33, and 44-48 have been amended, and claims 2, 11-12, 15-24, 26-27, 29, and 35-43 have been canceled.

### ***Response to Remarks***

2. Applicants' arguments with respect to all of the amended claims have been carefully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The claimed invention is directed to non-statutory subject matter.

**Claim 48** (in preamble) comprises non-statutory subject matter.

The following are examples of acceptable language in overcoming non-statutory subject matter:

- A. "Computer readable medium" encoded with "computer executable instructions" including ...,; or
- B. "A computer readable medium" having a stored "computer program" including ....,

**Note:** merits of this claim will be examined.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 3, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,529,600 B1) in view of Seeley et al (6,069,655).

**Regarding claims 1, 44, and 46,** Epstein et al discloses an apparatus/method for surveillance, comprising:

means for generating at least one video of at least one surveilled location (movie theater) using at least one camera based on an initial frame rate (30 frames/sec) (col. 1, lines 34-46); and

means for dynamically varying the frame rate of regions of the video frames (scenes) based on the determined one or more regions of the video frame that exhibit motion (col. 2, lines 24-29 and 47-50; col. 4, lines 28-53).

Epstein et al does not specifically disclose means for comparing, during generating, regions of consecutive video frames to determine one or more regions of video frames that exhibit motion.

However, Seeley et al teaches an advanced video security system comprising means for comparing regions of consecutive video frames to determine one or more regions of video frames (scenes) that exhibit motion for enhancing the quality of the selected portion of a video frame/image for security reviewing, only when there is a detected motion in an area of an image indicating an intrusion by an intruder (col. 3, lines 60-67; col. 4, lines 1-19 and 42-51).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an apparatus/method for surveillance as taught by Epstein et al to incorporate Seeley et al's teaching as above so as to compare, during the generating

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step, regions of consecutive video frames to determine one or more regions of video frames that exhibit motion for enhancing the quality of the selected portion of a video frame/image for security reviewing, only when there is a detected motion in an area of an image indicating an intrusion by an intruder.

**Regarding claim 3,** the Examiner takes official notice that a conventional motion detector for detecting/sensing motion is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art to incorporate the conventional motion detector for detecting/sensing motion.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al and Seeley et al as applied to claim 1 above, and further in view of Maeng (6,476,873 B1).

**Regarding claim 9,** the combination of Epstein et al and Seeley et al does not particularly disclose compressing at a first rate regions of frame that exhibit motion, and compressing at a second rate regions of frame that do not exhibit motion, wherein the second rate is greater than the first rate.

However, Maeng teaches enhancement of a selectable region of video comprising compressing at a first rate regions of frame, and compressing at a second rate regions of frame (col. 7, lines 63-67; col. 8, lines 1-16).

Maeng also teaches that frame rate may decrease if there is lot of motion in the image (col. 1, lines 52-58), and that the VRE encoder (160) may increase the frame rate (can be traded off against quality) or adjust the update rate of the area outside the VRE window (col. 8, lines 3-16).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the Maeng's teachings as above so as to compressing at a first rate regions of frame that exhibit motion, and compressing at a second rate regions of frame that do not exhibit motion, wherein the second rate is greater than the first rate (adjusting the rates) in order to increase/enhance the quality of user selected region of video image, thereby

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displaying a selected area of video having a greater image quality than an unselected area of video.

8. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,529,600 B1) in view of Seeley et al (6,069,655) and Dozier et al (5,751,346).

**Regarding claim 48,** all of the claimed features with the exception of a computer readable medium performing steps/methods have been met by Epstein et al in view of Seeley et al as discussed above.

Furthermore, Dozier et al teaches a computer software product (Fig. 1, 16) for surveillance, comprising a computer readable medium including codes for causing the computer to at least generate at least one video of at least one surveilled location using at least one camera (abs.).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing an apparatus/method for surveillance as taught by Epstein et al to incorporate Dozier et al's teaching as above so that the computer software product for surveillance comprises a computer readable medium including codes for causing the computer to perform all of steps/methods as claimed, thereby saving substantial amount of operating expense associated with more expensive hardware overhead and/or manufacturing costs.

9. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al and Seeley et al as applied to claim 1 above, and further in view of Monroe (6,518,881 B2).

**Regarding claim 4,** the combination of Epstein et al and Seeley et al does not particularly disclose transmitting the video to at least one mobile wireless receiver for display of the video on a mobile terminal.

However, Monroe teaches a digital communication system comprising at least one mobile wireless receiver (Fig. 3, 58 and 54), and a mobile terminal (200) for displaying the video.

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Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the Monroe's teaching as above so as to transmit the video to at least one mobile wireless receiver for displaying the video on a mobile terminal, thereby the video can be observed/analyzed in one of many locations.

**Regarding claim 5**, since Monroe's mobile unit is used in a law enforcement vehicle, it would have been obvious to implement the mobile unit in a plurality of law enforcement vehicles comprising plurality of mobile wireless receivers for an obvious reason of covering communication capability (transmitting video) to a plurality of regions/locations/states.

**Regarding claim 6**, Monroe teaches transmitting the video to base station via the wireless interface in real time (col. 7, lines 3-7).

Therefore, it would have been obvious to transmit a video to the at least one mobile wireless receiver in real time for live observation of the video by the enforcement officer in case of an emergency.

**Regarding claim 7**, the Examiner takes official notice that a billing company or a corporation generating at least one electronic or paper billing document based on the transmission for delivering services/goods such as a product purchase transaction via the internet is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the well known concept of generating at least one electronic or paper billing document based on the transmission for delivering services/goods.

**Regarding claim 8**, the Examiner takes official notice that transmitting a video in response to a successful authentication such as in a pay per view method is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance to incorporate the well known concept of transmitting a video in response to a successful authentication such as in a pay per

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view method as a secure way to verify if the user/subscriber has authorization to view the requested video.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al and Seeley et al as applied to claim 1 above, and further in view of Acosta et al (6,166,729).

**Regarding claim 10,** the combination of Epstein et al and Seeley et al does not particularly disclose generating plural videos of respective surveillance locations and routing the videos to respective wireless receivers in response to user requests for videos.

However, Acosta teaches a remote digital image viewing system comprising generating a plurality of digital images of respective surveillance locations (Fig. 1, 12) and routing (18, 20) the digital images to respective wireless receivers (22) in response to user requests for a selected/desired digital image.

Therefore, it would have been obvious to a person of ordinary skill in the relevant employing a method for surveillance as taught by Epstein et al to incorporate the Acosta's teaching as above, and substitute the digital image with the video of Epstein et al so as to generate plurality of videos of respective surveillance locations and route the videos to respective wireless receivers in response to user requests for videos, thereby the selected/desired video can be observed by wide range of network enabled users.

11. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al, Seeley et al, and Monroe as applied to claim 4 above, and further in view of Acosta et al (6,166,729).

**Regarding claim 13,** the combination of Epstein et al, Seeley et al, and Monroe does not specifically disclose providing at least one conditional access module in a link between the location and receivers to secure the link.

However, Acosta teaches a remote digital image viewing system comprising providing at least one condition access module (Fig. 10, 472) in a link between the location (Fig. 1, surveillance camera, 12) and receiver (22) to secure the link.

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Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the Acosta's teaching as above so as to provide at least one conditional access module in a link between the location and receivers to secure the link as a secure way to verify if the user/subscriber has authorization to view the requested video, thereby accessing /denying the video depending on the authentication.

**Regarding claim 14,** Acosta et al discloses authenticating at least one of: a source of video and the receiver (col. 16, lines 57-67).

12. Claims 25, 28, 32, 34, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,529,600 B1) in view of Seeley et al (6,069,655), and Naidoo et al (6,690,411 B2).

**Regarding claims 25, 45, and 47,** Epstein et al discloses an apparatus/method for surveillance, comprising:

means for generating at least one video of at least one surveilled location (movie theater) using at least one camera based on an initial frame rate (30 frames/sec) (col. 1, lines 34-46); and

means for dynamically varying the frame rate of regions of the video frames (scenes) based on the determined one or more regions of the video frame that exhibit motion (col. 2, lines 24-29 and 47-50; col. 4, lines 28-53).

Epstein et al does not specifically disclose means for comparing, during generating, regions of consecutive video frames to determine one or more regions of video frames that exhibit motion, and a transmitter for transmitting the video feed in real time to at least one monitoring receiver over a wireless link.

However, Seeley et al teaches an advanced video security system comprising means for comparing regions of consecutive video frames to determine one or more regions of video frames (scenes) that exhibit motion for enhancing the quality of the selected portion of a video frame/image for security reviewing, only when there is a detected motion in an area of an image indicating an intrusion by an intruder (col. 3, lines 60-67; col. 4, lines 1-19 and 42-51).

Furthermore, Naidoo et al discloses a surveillance apparatus/method comprising a surveillance camera adapted to generate a video feed by generating video frames of at least one surveilled location (col. 7, lines 42-53), and a transmitter for transmitting the video feed in real time to at least one monitoring receiver over a wireless link (col. 2, lines 27-42).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an apparatus/method for surveillance as taught by Epstein et al to incorporate Seeley et al's teaching as above so as to compare, during the generating step, regions of consecutive video frames to determine one or more regions of video frames that exhibit motion for enhancing the quality of the selected portion of a video frame/image for security reviewing, only when there is a detected motion in an area of an image indicating an intrusion by an intruder, and also incorporate Naidoo et al's teachings as above for transmitting the video feed in real time to at least one monitoring receiver over a wireless link for further review and analysis.

**Regarding claim 28,** the Examiner takes official notice that a billing company or a corporation generating at least one billing document based on the transmission of the data for delivering services/goods such as a product purchase transaction via the internet is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance to incorporate the well known concept of generating at least one billing document based on the transmission for delivering services/goods.

**Regarding claim 32,** Naidoo et al discloses transmitting in response to a successful authentication (col. 6, lines 58-67).

**Regarding claim 34,** the Examiner takes official notice that generating a plurality of video feeds of respective surveillance locations and routing the videos to respective wireless receivers in response to user requests for video feeds are conventionally well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Naidoo et al to incorporate the well

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known concept as above, so that the plurality of video feeds from the respective surveillance locations can be observed by wide range of network enabled users using the respective wireless receivers.

13. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al, Seeley et al, and Naidoo et al as applied to claim 25 above, and further in view of Monroe (6,518,881 B2).

**Regarding claim 30,** the combination of Epstein et al, Seeley et al, and Naidoo et al does not specifically disclose transmitting the video feed to at least one mobile wireless receiver for display of the video on a mobile terminal.

However, Monroe teaches a digital communication system comprising at least one mobile wireless receiver (Fig. 3, 58 and 54), and a terminal (200) for displaying the video.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an apparatus/method for surveillance as taught by Epstein et al to incorporate the Monroe's teaching as above so as to transmit the video to at least one mobile wireless receiver for displaying the video on a mobile terminal, so that the video can be observed in one of many locations.

**Regarding claim 31,** since Monroe's mobile unit is used in a law enforcement vehicle, it would have been considered obvious to implement the mobile unit in a plurality of law enforcement vehicles comprising plurality of mobile wireless receivers for an obvious reason of covering communication capability (transmitting video) to a plurality of regions/locations/states.

14. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al, Seeley et al, and Naidoo et al as applied to claim 25 above, and further in view of in view of Maeng (6,476,873 B1).

**Regarding claim 33,** the combination of Epstein et al and Seeley et al does not particularly disclose compressing at a first rate regions of frame that exhibit motion, and

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compressing at a second rate regions of frame that do not exhibit motion, wherein the second rate is greater than the first rate.

However, Maeng teaches enhancement of a selectable region of video comprising compressing at a first rate regions of frame, and compressing at a second rate regions of frame (col. 7, lines 63-67; col. 8, lines 1-16).

Maeng also teaches that frame rate may decrease if there is lot of motion in the image (col. 1, lines 52-58), and that the VRE encoder (160) may increase the frame rate (can be traded off against quality) or adjust the update rate of the area outside the VRE window (col. 8, lines 3-16).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method for surveillance as taught by Epstein et al to incorporate the Maeng's teachings as above so as to compressing at a first rate regions of frame that exhibit motion, and compressing at a second rate regions of frame that do not exhibit motion, wherein the second rate is greater than the first rate (adjusting the rates) in order to increase/enhance the quality of user selected region of video image, thereby displaying a selected area of video having a greater image quality than an unselected area of video.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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16. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S. An whose telephone number is 571-272-7324.

17. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SHAWN AN  
PRIMARY EXAMINER**

7/21/07